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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,560	03/23/2004	Weirong Wang	5260-000201/US	2572
28997	7590	07/14/2006	EXAMINER	
HARNESS, DICKEY, & PIERCE, P.L.C 7700 BONHOMME, STE 400 ST. LOUIS, MO 63105			MULLINS, BURTON S	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,560

Applicant(s)

WANG ET AL.

Examiner

Burton S. Mullins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-32 and 34-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-27, 29, 30, 32, 34-39, 41-46 and 48-59 is/are rejected.
- 7) ☒ Claim(s) 28, 31, 40 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 24-27, 29-30, 32, 34-37, 39, 41-46 and 48-59 are rejected under 35

U.S.C. 102(a/e) as being anticipated by Sheeran et al. (US Patent Publication 2004/0084988 A1).

Sheeran teaches an end cap or “containment structure” 30/40 (Figs.7A-7B) of an electromagnetic machine having a stator with a plurality of adjacent segments 20 (Figs.1A&1B), the end cap including a body portion (generally corresponding to top portion 30; Figs.1A&1B) configured for positioning on a yoke portion 21 of one of the adjacent segments (Fig.1C), the body portion having first and second ends (not numbered, Figs.7A-7B) configured to couple to ends on adjacent end caps to substantially hold the adjacent segments together (paragraphs 53- 54).

Regarding claim 25, the projection 700 on one end and receptive element 702 on the other end comprise first and second couplings (Figs.7A-7B).

Regarding claim 26, plural adjacent end caps are adjustably aligned and coupled together by means of the couplings 700/702 on each end cap.

Regarding claims 27 and 29, the projection 700 comprises a ‘male member’, the receptive element 702 the ‘female member’, with the female member 702 forming a ‘snap slot’.

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Regarding claim 30, the stator segments include a slot 505 and a ridge 504 (Fig.5B1&5B2). Figs.7A-7B show that the male member 700 lie adjacent slot 505 and female member lie 702 adjacent to ridge 504.

Regarding claims 32 and 42-43, note plural stator segments 20 and plural end caps (Figs.1A,Figs.7A-7B), each end cap's receptive element 702 comprising a slot exposing a surface of the stator segment 20 beneath it, the projection 700 comprises the finger extending from a second end having a side positioned on the same plane as the surface of the segment, i.e., the cap fits on top of the segment 20, with the finger 700 fitting within slot 702 of an adjacent end cap and the finger 700 lying against the surface of the adjacent end cap. Further, a portion of the body surface, i.e., projection 700 or receptive element 702, is positioned against the surface of an adjacent segment (Fig.7B) and aligns the segments 20 in a direction generally parallel to the stator axis with surfaces of adjacent segments lying on the same plane.

Regarding claim 34, there are plural adjacent stator segments 20 and plural end caps 30/40, with projection 700 and receptive element 702 substantially holding the adjacent segments 20 together.

Regarding claim 35, the body surface of the end cap lies against the stator segment 20 in the same plane, and a portion of the body surface, i.e., projection 700 or receptive element 702, is positioned against the surface of an adjacent segment (Fig.7B) and align the segments 20 in a direction generally parallel to the stator axis with surfaces of adjacent segments lying on the same plane.

Regarding claim 36, projection 700 comprises the finger extending from a first end.

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Regarding claim 37, the receptive element 702 comprises a slot exposing a surface of the stator segment 20 beneath it, the slot 702 receiving the finger/projection 700.

Regarding method claims 44-46 and 48-58, the methods are inherent to the apparatus of Sheeran.

Regarding claim 59, the projection 700 comprises the deformable male member which snap fits into female member 702 (Fig.7B).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 38 is rejected under 35 U.S.C. 103(a) as being obvious over Sheeran et al. Sheeran's Figs7A-7B show that the male member 700 lies adjacent slot 505 and female member lies 702 adjacent to ridge 504, not the other way around as claimed in claim 38. However, this would have been an obvious modification to Sheeran because it has been held that shifting the location of parts of an invention, i.e., reversing the location of the end cap's male and female members relative to the segment's slot and ridge, involves routine skill. In re Japikse 86 USPQ 70 (CCPA 1950).

Allowable Subject Matter

5. Claims 28, 31, 40 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claim 28, Sheeran does not teach that the male member includes a bifurcate catch extending from the first end of the body portion which snap-fits in the female coupling member. The remaining prior art does not remedy this deficiency.

Regarding claim 31, Sheeran does not teach that the ends of the end cap define slots configured for engagement by a clip having a first portion for fitting in one of the slots and a second portion fitting in a slot in an adjacent end cap. The remaining prior art does not remedy this deficiency.

Regarding claim 40, Sheeran does not teach that the male member includes a bifurcate catch extending from the first end of the end cap body portion which snap-fits in the female coupling member. The remaining prior art does not remedy this deficiency.

Regarding method claim 47, since Sheeran does not teach the apparatus of the clips fit into end cap slots, the method incorporating this structure is also not taught or suggested.

Response to Arguments

6. Applicant's arguments filed 09 May 2006 have been fully considered but they are not persuasive. Applicant argues that Sheeran's projection 700 and receptive element 702 are "provided on the same containment structure, and simply couple together the opposite ends of that containment structure." This is not persuasive because applicant fails to specifically point out the location in Sheeran that supports this interpretation, and it is not clear how opposite axial ends of the structure are coupled by circumferentially-extending projection 700 and receptive element 702. Further, Sheeran's engagement/locking structure shown in Figs. 7A&7B and corresponding to the claimed "end cap having a body portion with first and second ends for

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coupling to ends of adjacent end caps” is specifically described as “provided on the containments structures to hold the stator assembly in an annular form” (Sheeran, paragraph 53). If, as applicant asserts, Sheeran’s containment structure simply coupled opposite ends of a single structure together, how could Sheeran’s containment structures hold the stator assembly in an annular form? Clearly, Sheeran’s containment structures comprise adjacent end caps which are interlocked so as to hold the stator assembly in an annular form (Sheeran, paragraph 54). Further support for this argument is provided by teachings in Sheehan that that the containment structures bend when the stator assembly is rounded to form an annular stator (paragraph 55) and that the plural containment structures position adjacent stator segments relative to one another in an annular form (claims 1 and 3). Thus, the interlocking/engagement elements 700/702 of Figs.7A&7B are the means by which adjacent segments are coupled and held together. This would not be possible if their function was simply to couple together opposite ends of a single containment structure.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Burton S. Mullins
Primary Examiner
Art Unit 2834

bsm
10 July 2006